



David B. Cohen  
Mayor

## CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development  
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|                                |                    |
|--------------------------------|--------------------|
| Public Hearing Date:           | September 22, 2009 |
| Land Use Action Date:          | November 17, 2009  |
| Board of Aldermen Action Date: | December 7, 2009   |
| 90-Day Expiration Date:        | December 21, 2009  |

DATE: September 18, 2009

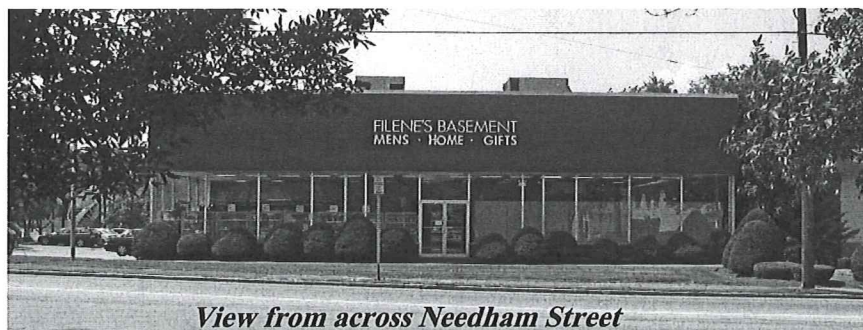
TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
Candace Havens, Chief Planner  
Benjamin Solomon-Schwartz, Senior Planner

SUBJECT: 201 NEEDHAM STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert a portion of existing retail space to restaurant space with 120 seats at 201 NEEDHAM STREET, Ward 5, Newton Upper Falls on land known as Sec 51, Blk 28, Lot 8B, containing approx 64,398 sf of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, and 30-13(b)(5) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



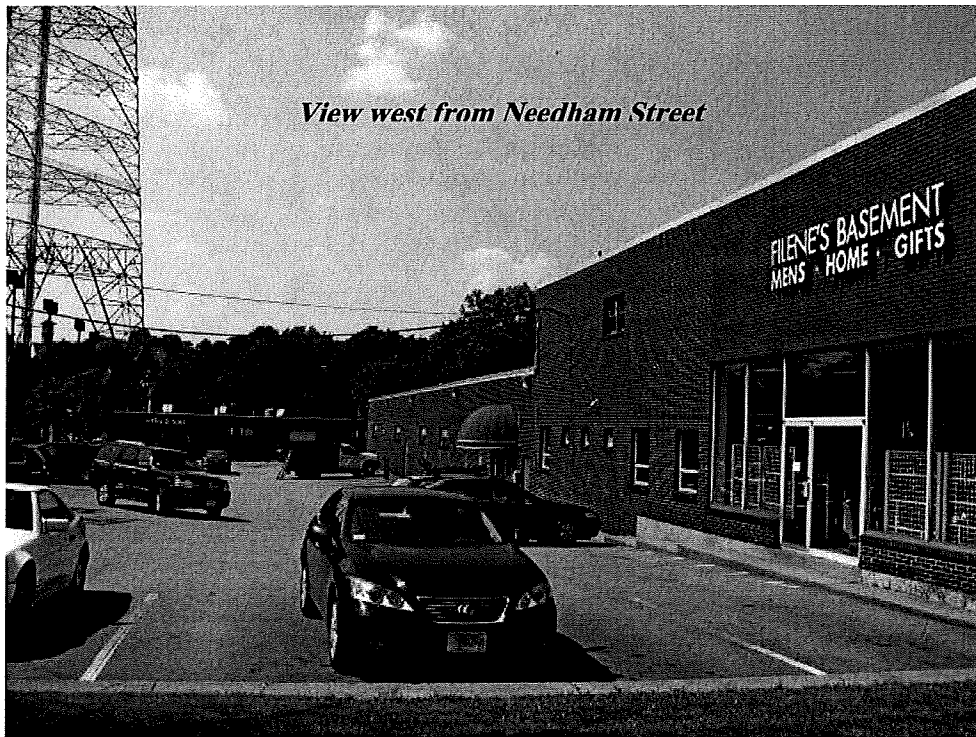
*View from across Needham Street*

1000 Commonwealth Avenue, Newton, Massachusetts 02459

[www.newtonma.gov](http://www.newtonma.gov)

## **EXECUTIVE SUMMARY**

The existing building at 201 Needham Street currently houses several office and retail uses. The petitioner requests the ability to replace 6,000 sq. ft. of retail space with a 120-seat restaurant. The petitioner has not specified a location for this restaurant in the buildings or any particular tenant, but is seeking the flexibility to lease existing retail space for a restaurant use. Needham Street is continuing to change from an industrial corridor to a commercial and residential corridor, as noted by the 2007 *Newton Comprehensive Plan*. The City is preparing to undertake a study of the corridor to define a visual and functional framework for the ongoing changes to street. Meanwhile, it is important to consider the impact of the proposed changes on the vitality of the corridor as a whole.



### **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

When considering this request, the Board should consider if the following findings apply:

- The restaurant use as developed and operated positively affects the Needham Street corridor by increasing the vibrancy of the neighborhood.
- The impact of additional vehicle trips will not have a negative effect on the Needham Street corridor.
- The proposed parking facility will accommodate the parking demand of the proposed uses.

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

Needham Street continues to transition gradually from manufacturing uses to retail and restaurant uses within the Mixed Use 1 and 2 Districts. To the south of the subject site is the location of the Filene's Basement store, which received a special permit for a significant expansion in 2008 (Board Order #178-08). The area behind the subject site (to the south and west) may be redeveloped and, if so, Tower Road is likely to be an important access point to a project at this location. The site is abutted on the north by South Meadow Brook and by a Jiffy Lube service station. Other retailers are located across Needham Street (to the east). The property at 188-210 Needham Street is the subject of a concurrent application to convert 6,000 sq. ft. of retail space to a restaurant use.

### B. Site

The 64,398 sq. ft. site is relatively flat and currently contains one building with a single retail tenant (the Filene's Basement men's store), which has been located on this site by right since 1994. Prior to this retail use, a car wash and Pontiac dealership were allowed on the site by special permit.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The use on the site has shifted from a light industrial auto facility to retail. Today, the site is occupied by a single retail store, a Filene's Basement store dedicated to sales of men's clothing and housewares. The conversion of retail space to a restaurant would be complementary to other existing uses in the area. It would serve office workers in the areas, shoppers in nearby retail destination, and potentially serve as a restaurant destination for those outside the immediate area. A thriving restaurant would contribute to a thriving Needham Street corridor, facilitating the continuing transition of the area from an industrial zone to a mixed-use corridor.

### B. Building and Site Design

The petitioner proposes minor changes to the site plan, including re-striping the parking lot, adding a sidewalk along the perimeter of the building, and relocating the dumpsters to the rear of the site.

The existing building is 19,534 sq. ft. in area. The petitioner proposes to convert 6,000 sq. ft. to restaurant use and to retain the remaining 13,534 sq. ft. for retail use. *(Note that this figure differs from the square footage noted on the Zoning Review Memorandum.)*

C. **Parking and Circulation**

Traffic consultants from Tetra Tech Rizzo estimated an increase of 45 trips in the evening peak hour, which would constitute a 0.75% increase in traffic along Needham Street (*SEE ATTACHMENT "C"*). The Planning Department agrees that this proposal should not create a significant detrimental impact on traffic along Needham Street. However, the petitioner did not demonstrate the extent of the impact on Tower Road, which provides the only access to this property. The petitioner contends that 30% of the additional trips will be pass-by trips, resulting in only 30 additional trips an hour along Tower Road. The Planning Department disputes this assertion because it appears unlikely that 30% of the users will already be using Tower Road, considering the limited access it provides to other uses.

Anecdotal evidence suggests existing queuing problems for vehicles exiting Tower Road onto Needham Street. ***The Planning Department recommends that the petitioner conduct a queuing analysis to demonstrate the impact of the increased activity on the intersection.*** While the parking counts conducted for the petition were limited to a weekday, Planning Department staff has observed a high level of activity in the neighborhood on weekend days. ***The Planning Department recommends that the queuing analysis include one weekday and one weekend day to account for potential peak usage during both periods.*** If there are frequent queuing delays, it may be necessary to eliminate the curb cut on Tower Road nearest Needham Street. If this driveway remains open, one-way access should be required, with exiting vehicles using the curb cut farther from Needham Street. This arrangement should minimize conflicts between vehicles exiting the lot and the vehicles exiting from Tower Road onto Needham Street.

The board order issued in 2008 for the expansion of the Filene's Basement property at 215-217 Needham Street requires that petitioner (FB Newton Properties) update the traffic studies performed as part of the special permit application after the project is constructed and occupied. If the update reveals an increase in traffic generation over the previous estimates, this condition requires FB Newton Properties to cooperate in mitigating traffic impacts. Because the current petition may increase the traffic along Needham Street and Industrial Place, the Planning Department recommends that any additional traffic generated by this project should be subtracted from the updated counts that will be conducted by the owner of 215-217 Needham in order to isolate the impact of that project.

The Planning Department identified 89 spaces currently on the site. The petitioner proposes to re-stripe the parking lot for 85 stalls that conform to the City's dimensional standards and is requesting a waiver of nine required spaces. The petitioner's analysis of existing parking demand revealed that the lot is underutilized with a maximum of 45 spaces used on the weekday when the study was conducted. Using relatively conservative ITE numbers, the petitioner predicts an increase of 24 vehicles at peak times on top of existing demand, with 16 spaces

still unused. Furthermore, demand for parking at this site may be lower than the requirements of the City's Zoning Ordinance because the complementary mix of retail, offices, and restaurants in the immediate vicinity of property would likely result in trips to the facility by foot, especially for lunch-time use of the restaurant. In addition, complementary retail and restaurant uses at 201 Needham Street may result in shared trips to multiple businesses that only use a single parking stall. Therefore, the Planning Department agrees that the existing parking supply should accommodate the change of use.

However, because a portion of the parking lot is located behind the building, customers may not realize that parking is available on the site during peak hours. ***The Planning Department recommends that the petitioner install a sign in the parking lot to direct users towards parking spaces in the rear of the lot. In addition, the Planning Department recommends that the tenants encourage their employees to use the parking stalls in the rear of the site to allow customers to use the most convenient stalls in front of the businesses.***

The facility will include four handicapped stalls as required, as well a two dumpsters located in the rear of the site. Several of the spaces are only 17 feet long and use a two-foot overhang to provide the requisite 19-foot length of the spaces. ***The petitioner should confirm that the overhang would not diminish the required five-foot landscape buffer along Tower Road.***

D. Landscape Screening, Lighting, and Signage

The petitioner does not propose any additional landscape screening, lighting, or signage at this time. The existing landscaping appears to be sufficient for the proposed change of use. ***The Planning Department recommends that any signage associated with a new restaurant on this property be subject to review by the Urban Design Committee and approved by the Director of Planning and Development.***

IV. CITY'S COMPREHENSIVE PLAN

The November 2007 *Newton Comprehensive Plan* notes that Needham Street is in transition, as former industrial properties move out and commercial and residential use join or replace them. Recent developments on Needham Street are beginning to define the future character of this street and are establishing a new vernacular and streetscape features. The planned reconstruction of Needham Street will further define its potential for land uses, visual character, and accessibility by all modes of transportation. The City is preparing to undertake a study of the corridor to define a visual and functional framework for the ongoing changes to street. Meanwhile, it is important to consider the impact of the proposed changes on the vitality of the corridor as a whole.

## V. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated June 11, 2009 (*SEE ATTACHMENT "E"*), provides an analysis of the project with regards to the Zoning Ordinance. No building construction is currently proposed and, therefore, a review for conformance with dimensional requirements is not necessary.
- B. Parking Requirements (Section 30-19). The Zoning Review Memorandum provides an analysis of the proposal with regard to Section 30-19. While the memorandum does not discuss indicate that a parking waiver is required, additional information received by the Planning Department suggests that a parking waiver is necessary for the proposed project. The Planning Department estimates that the proposed restaurant may require 18 employees, based on conservative data from the Urban Land Institute, rather than the ten employees estimated by the petitioner. In addition, while the Zoning Review Memorandum indicates that 2,500 square of space will be left unused, the petitioner proposes to use that space for retail use, resulting in a higher parking requirement. Based on this information, the petitioner is requesting a waiver of 9 stalls required stalls.
- C. Other Reviews
1. Engineering. No changes to the site plan are proposed, and no engineering review is necessary.
  2. Fire Department. Assistant Chief of Operations Proia has approved the plans for fire accessibility.
- D. Prior Reviews: Several special permits have been exercised on the subject property over the past forty years to allow auto-related uses and then permitted the conversion of the property to retail use:
- In 1965, a one-story cement building was constructed to house a car wash facility.
  - In 1973, a Pontiac dealership was constructed on the site, including two free-standing signs.
  - In 1994, the property was converted to a by-right retail use and has been since occupied by the Filene's Basement men's store.

## VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, dated May 6, 2009 (*ATTACHMENT "D"*), the petitioner is seeking approval through or relief from:

- Section 30-13(b)(5) to allow a restaurant use in the MU-1 zone;
- Section 30-19 to allow a waiver of nine required parking stalls;
- Section 30-23 for site plan approval; and
- Section 30-24 for approval of special permit.

## VII. SUMMARY OF PETITIONER'S RESPONSIBILITIES

Before the Working Session, the petitioner is expected to provide the following additional items:

- An analysis of queuing delays along Tower Road on weekdays and weekends; and
- Revised plan that shows the width of the landscaped area adjacent to the 17' stalls near Tower Road.

### **ATTACHMENTS**

*ATTACHMENT A: Zoning Map*

*ATTACHMENT B: Land Use Map*

*ATTACHMENT C: Letter from Tetra Tech Rizzo, revised September 9, 2009*

*ATTACHMENT C: Zoning Review Memorandum, dated May 6, 2009*



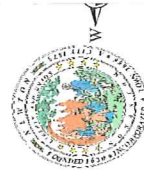
# Zoning Map

## 201 Needham Street and Vicinity

City of Newton,  
Massachusetts

### Legend

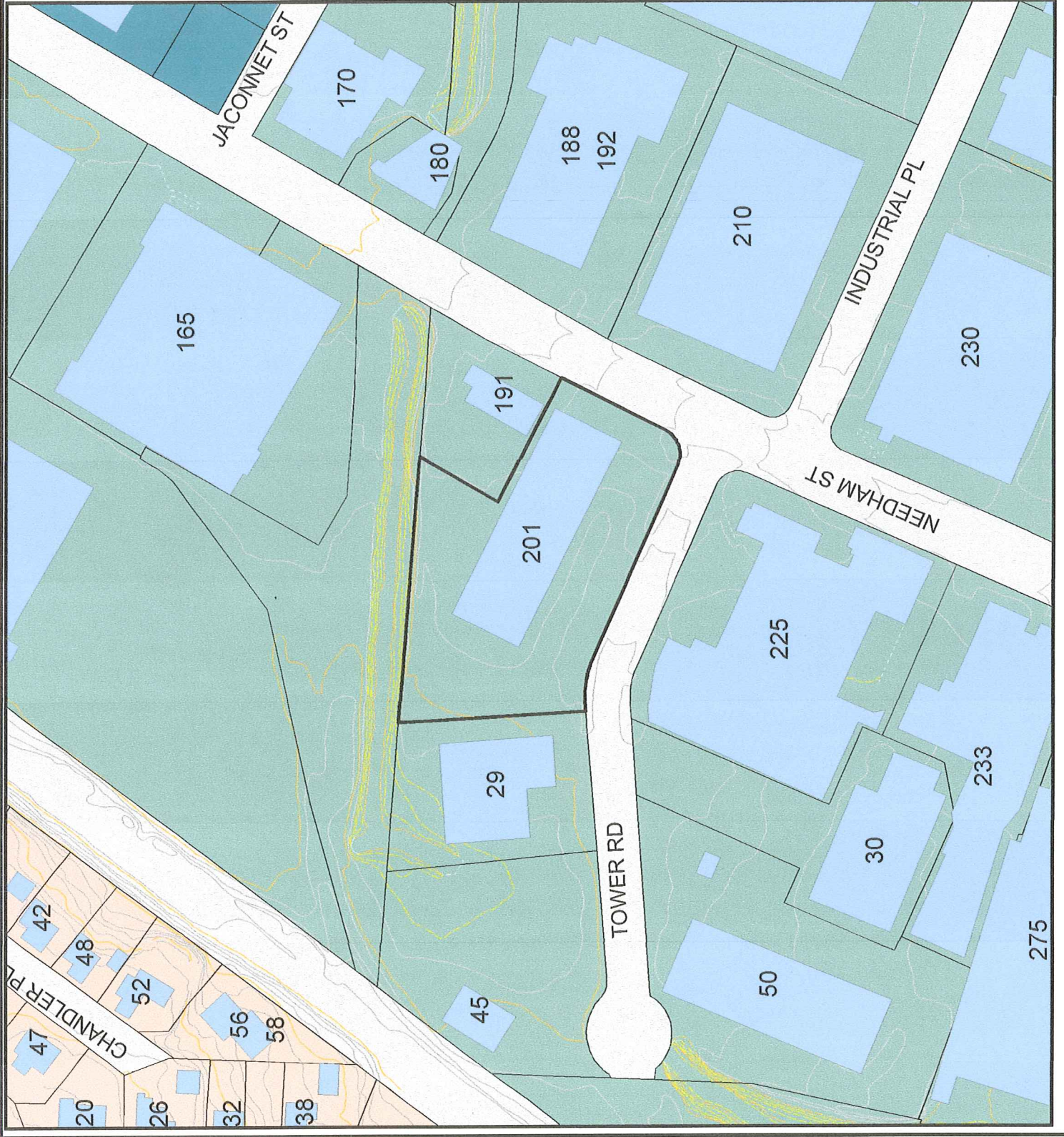
|  |                       |
|--|-----------------------|
|  | Building Outlines     |
|  | Single Res. 1         |
|  | Single Res. 2         |
|  | Single Res. 3         |
|  | Business 1            |
|  | Business 2            |
|  | Business 4            |
|  | Business 5            |
|  | Limited Manufacturing |
|  | Manufacturing         |
|  | Multi-Res. 1          |
|  | Multi-Res. 2          |
|  | Multi-Res. 3          |
|  | Multi-Res. 4          |
|  | Mixed Use 1           |
|  | Mixed Use 2           |
|  | OS/Rec.               |
|  | Public Use            |



The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of the information is responsible for determining its suitability for their own purposes. City departments approve applications based on the information on this map.



MAP DATE: A





# Land Use Map

## 201 Needham Street and Vicinity

City of Newton,  
Massachusetts

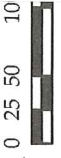
### Legend

- Building Outlines
- Single Family Residential
- Two Family Residential
- Condominiums
- Other Residential
- Mixed Use
- Commercial
- Industrial
- Vacant Land
- Golf Course
- Open Space
- Private Educational
- Nonprofit Organizations
- Public Housing
- Tax Exempt
- Unspecified

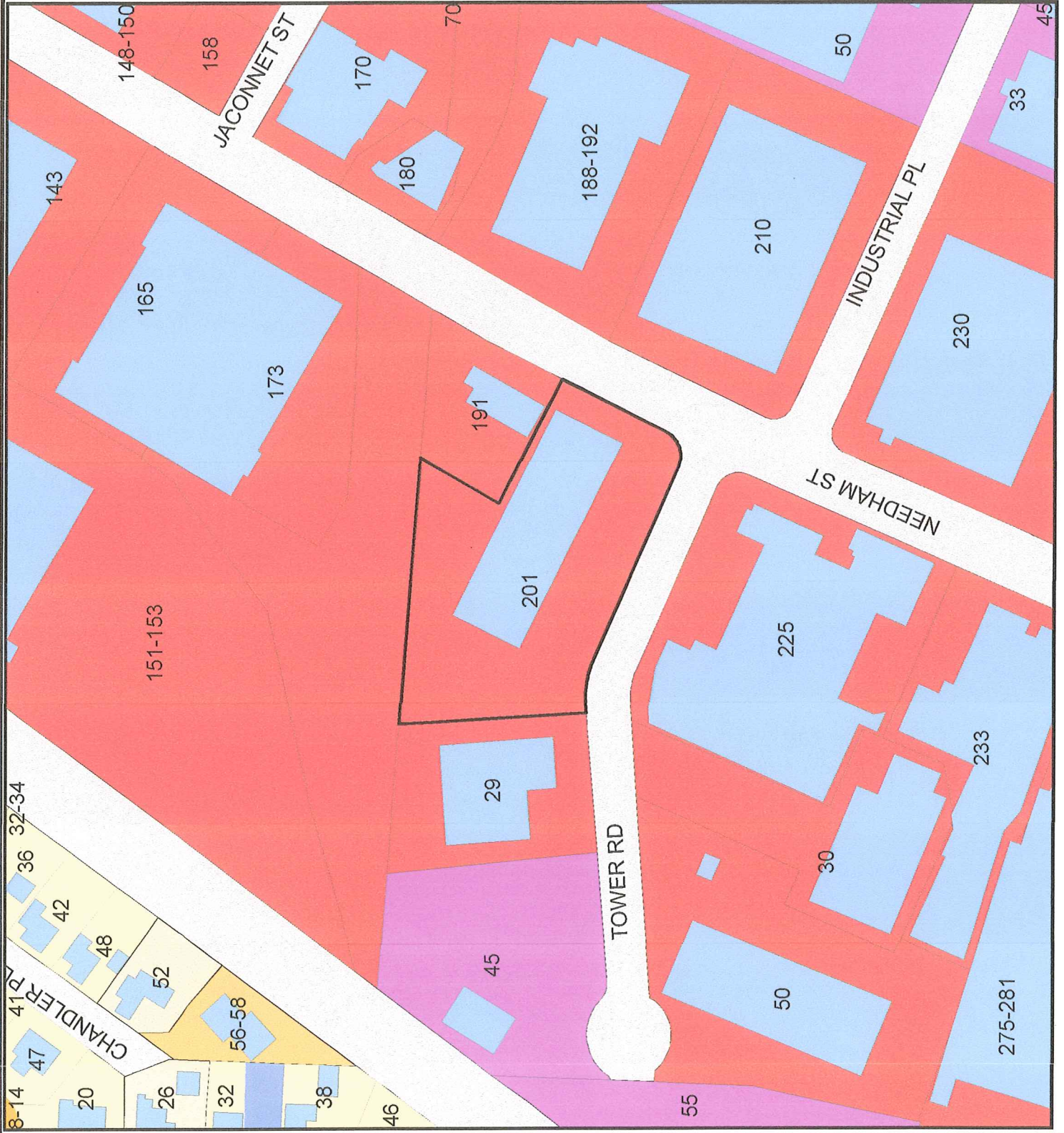
## ATTACHMENT B



The information on this Geographic Information System map is for informational purposes only. It does not constitute a legal document. Each user is responsible for determining its suitability for their own use. City departments may not be able to approve applications for use of this information.



MAP DATE





**TETRA TECH RIZZO**

September 9, 2009

Mr. Michael Kruse  
The City of Newton  
Planning and Development Department  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

**Re: 201 Needham Street  
Newton, MA**

Dear Michael:

Tetra Tech Rizzo has evaluated the parking and traffic impacts related to the proposed reuse of existing retail space at 201 Needham Street in Newton, Massachusetts as restaurant space. Our study finds that the site has adequate parking supply to accommodate future parking demands with the proposed restaurant use. With the proposed restaurant use the peak parking occupancy is expected to be 83 percent or less. Also, the change in use will only marginally increase traffic volumes generated by the site and will have a negligible impact on traffic volumes at area intersections.

### **Project Description**

The proposed project would convert some existing dry goods retail space at 201 Needham Street to restaurant use. The site currently consists of a 19,534 square feet retail building. The proposed project would reconfigure the space creating six rentable units, with two of the units available for restaurant uses. The proposed restaurant space will include up to 6,000 square feet of floor area to accommodate 120 restaurant seats. The remaining space would continue to function as dry goods retail space and storage space. On-site parking is provided and includes 85 parking spaces. The site can be accessed via two curb cuts on Tower Road.

### **Study Method**

Tetra Tech Rizzo quantified the change in parking and traffic demands at the subject site associated with the change of use based on Institute of Transportation Engineers (ITE) parking and trip rates. Field surveys were first conducted to evaluate existing parking conditions on the site.



## Existing Parking Demand

Tetra Tech Rizzo conducted parking surveys at 201 Needham Street, on Wednesday, May 27, 2009. The existing parking demands were recorded at thirty-minute intervals during the midday peak period from 11:30 AM to 1:30 PM and during the afternoon peak period from 4:30 PM to 6:30 PM. A total of 83 parking spaces were monitored. Based on information obtained from Crosspoint Associates, on May 27, 2009, the building on site was 100 percent leased and occupied. Table 1 presents the collected parking data.

As shown, the peak parking demand was observed at 1:30 PM when 45 spaces were occupied and 38 spaces were empty. During the evening hours approximately 60 spaces were empty and available to accommodate additional demand.

**Table 1 Existing Site Parking Demands**

| Time of Day | 201 Needham Street |               |
|-------------|--------------------|---------------|
|             | Vehicles Parked    | Vacant Spaces |
| 11:30 AM    | 32                 | 51            |
| 12:00 AM    | 38                 | 45            |
| 12:30 PM    | 36                 | 47            |
| 1:00 PM     | 44                 | 39            |
| 1:30 PM     | <b>45</b>          | <b>38</b>     |
| 4:30 PM     | 28                 | 55            |
| 5:00 PM     | 20                 | 63            |
| 5:30 PM     | 23                 | 60            |
| 6:00 PM     | 24                 | 59            |
| 6:30 PM     | 23                 | 60            |

**Notes:**

Peak values noted in **bold text**. Available parking supply = 83 spaces.

## Future Parking Demand

Future parking demand for the proposed project was determined using industry standard parking rates provided in the ITE publication *Parking Generation* (3<sup>rd</sup> Edition, 2004). The proposed project will substitute 6,000 square feet of restaurant use for 6,000 square feet of retail use. ITE parking rates for shopping centers (Land Use Code 820) and for High-Turnover (Sit-Down) Restaurants (Land Use Code 932) were applied.

The ITE peak parking ratio for High-Turnover restaurants located in urban areas is 5.55 spaces per 1,000 square feet of floor area. Hence, the proposed 6,000 square feet restaurant use would generate a parking demand of 33 vehicles. During the early evening hours the parking demand is approximately 80 percent of the peak demand or approximately 26 vehicles. For shopping centers, ITE specifies a weekday peak parking ratio of 2.65 spaces per 1,000 square feet of floor





space. Applying this rate to the 6,000 square feet of retail space, results in a peak parking demand of 16 spaces. Elimination of 6,000 square feet of retail space at the site would therefore increase the peak parking demand by 17 vehicles (33 -16). Adding 17 vehicles to the current peak parking demand of 45 vehicles, results in a net peak hour parking demand of 62 vehicles or 75 percent of the 83 spaces.

The above analysis was repeated using the proposed restaurant seat count to estimate parking demand. This is considered a more conservative analysis as the ITE parking rates based on restaurant seating are based solely on suburban locations where all site access occurs via automobile. For the high-turnover, sit-down restaurant use the ITE parking ratio is 0.33 vehicles per seat. This rate when applied to the proposed 120 restaurant seats will result in a parking demand of 40 vehicles. Using the more conservative demand estimate of 40 vehicles instead of 33 vehicles will result in a peak parking demand increase of 24 vehicles. When this demand is added to the existing peak demand of 45 vehicles, there will be 69 occupied spaces and 14 empty spaces (83 percent occupancy).

## **Traffic Impacts**

The proposed change in use to restaurant will result in a small increase in site related traffic. ITE *Trip Generation (8<sup>th</sup> Edition, 2008)* manual was used to evaluate this increase in volumes. ITE trip generation rates were applied to 6,000 square feet of restaurant space and to 6,000 square feet of retail space. Based on ITE trip rates for High-Turnover (Sit-Down) Restaurants (Land Use Code 932) the proposed 6,000 square feet of restaurant space will generate 67 PM peak hour trips and 763 daily trips. Using the ITE average trip rates for shopping centers (Land use code 820), 6,000 square feet of retail space will generate 22 PM peak hour trips and 258 daily trips. The net increase during the PM peak hour is 45 vehicle trips.

Part of the trips generated by the retail and restaurant uses will comprised of "pass-by" trips. These are trips to the retail/restaurant uses made by vehicles that are already present on adjacent roadways for other purposes. ITE data suggests that an average 34 percent of retail trips are pass-by traffic. Using a 34 percent pass-by rate consistent with ITE standards the restaurant use adds 30 new peak hour trips to Tower Road and to Needham Street relative to the retail use. These trips will further distribute themselves north and south along Needham Street. Assuming approximately half of these trips will impact any one intersection on Needham Street, the restaurant use will add 15 new trips at any given intersection. Tetra Tech Rizzo had conducted recent traffic counts in the area that shows major intersections along Needham Street process approximately 2000 vehicles per hour during peak periods. Hence, the increase in traffic flows on Needham Street associated with the proposed change in use amounts to less than a 0.75 percent change. An increase of 30 peak hour vehicles on Tower Road (approximately one new trip every two minutes) represents a 13 percent change relative to existing peak hour conditions. Neither projected traffic increase is expected to materially change traffic operations on the area roadway network.





TETRA TECH RIZZO

## Summary

Based on the study, there is adequate parking available at 201 Needham Street site to accommodate the proposed change in use to restaurant. The proposed restaurant use will not significantly impact traffic operations in the area.

We trust that the above study adequately assesses parking and traffic related impacts that could be anticipated with the proposed project. Please do not hesitate to contact us with any questions regarding this information. We look forward to working with you to advance the project through the City permitting process.

Very truly yours,

Richard S. Bryant, P.E.  
Vice President

Cc: Bryan Furze, Crosspoint; Frank Stearns, K&L Gates

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***Zoning Review Memorandum***

Dt: May 6, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Chief Planner

Cc: Michael Kruse, Director, Department of Planning and Development  
Franklin G. Stearns, representing 201 Needham Street LLC  
Ouida Young, Associate City Solicitor

RE: Request to allow a restaurant use on the premises.

**Applicant: 201 Needham Street LLC**

**Site:** 201 Needham Street  
**Zoning:** MU-1  
**Current use:** Retail store

**SBL:** Section 51, Block 28, Lot 8B  
**Lot Area:** 64,398 sq. ft.  
**Proposed use:** Smaller retail store and a 120-seat restaurant

**Background:**

The subject property consists of a 64,398 square foot lot currently improved with a building containing a single retail tenant. This use is legally nonconforming. The applicant is proposing to divide the existing building into retail space and a 120-seat restaurant. The following review is based on plans and materials received to date as noted below.

**Administrative determinations:**

1. The property is in the MU-1 zone. The proposed new use, a 120-seat restaurant, is allowed in this zone with a special permit from the Board of Aldermen per Section 30-13(b)(5).
2. Per Section 30-19(d), the proposed uses require 83 parking spaces (see chart below).

| Use          | Calculation per Section 30-19(d) per use | Existing Use               | Spaces Required for Existing Use | Proposed Use                | Spaces Required for Proposed Use |
|--------------|--|----------------------------|----------------------------------|-----------------------------|----------------------------------|
| Retail       | 1 space/300 sq. ft, 1 space/3 employees  | 19,534 sq. ft, 9 employees | 68 (65+3)                        | 11,100 sq. ft., 6 employees | 39 (37+2)                        |
| Restaurant   | 1 space/3 seats, 1 space/3 employees     | N/A                        | N/A                              | 120 seats, 10 employees*    | 44 (40+4)                        |
| <b>TOTAL</b> |  |                            | <b>68</b>                        |                             | <b>83</b>                        |

\*The applicant contends that only 6 employees will be working on the largest shift for this restaurant. This number does not seem credible and the applicant has provided no background information to bolster its claim. In addition, on a similar application submitted by a related property owner for a restaurant of the same size and number of seats, the applicant stated that there would be 10 employees on the largest shift. Therefore, the larger number was used on this application as well.

3. The existing parking lot has 83 parking spaces; however, many of these spaces do not conform to the current standards outlined in Sections 30-19(h)(2)(a)&(b). The applicant has submitted a

revised striping plan for the existing parking facility that depicts 85 dimensionally-compliant parking stalls.

4. Per Section 30-19(h)(2)(c), a parking facility with 85 spaces is required to have at least 4% (but not less than three stalls) of its parking stalls designated for the physically handicapped. The proposed striping plan shows four handicapped stalls near the existing entrance to the building, as required, however, the plan does not show the dimensions of these stalls. The plan should be revised to show these dimensions as part of the special permit application.
5. See "Zoning Relief Summary" below:

| <b><i>Zoning Relief Summary</i></b> |                                    |                               |
|-------------------------------------|------------------------------------|-------------------------------|
| <b><i>Ordinance</i></b>             | <b><i>Site</i></b>                 | <b><i>Action Required</i></b> |
| §30-13(b)(5)                        | Allow restaurant use in MU-1 zone. | SP per §30-24                 |

Plans and materials reviewed:

- "Striping Plan," by Kelly Engineering Group, Inc. dated 6/3/09, neither signed nor stamped by a licensed professional
- Narrative for 201 Needham Street
- "201 Needham Street LLC, ALTA/ACSM Land Title Survey Plan," drawn by Kelly Engineering Groups, dated 4/15/05, neither stamped nor signed by a licensed professional